

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**EXHIBIT 3**



[FFIEC home](#) | [Federal Reserve Board home](#)

[Accessibility](#) | [Disclaimer](#) | [Privacy Policy](#)

## National Information Center

A repository of financial data and institution characteristics collected by the Federal Reserve System

<a href="#">NIC Home</a>	<a href="#">Institution Search</a>	<a href="#">USBA Search</a>	<a href="#">Top 50 HCs</a>
<a href="#">BHCPR Peer Reports</a>	<a href="#">FAQ</a>		

Institution History for: [BAC HOME LOANS SERVICING, LP \(3036311\)](#)

3 Institution history record(s) found.

[< Previous Page](#) [1](#) [Next >](#)

Event Date	Historical Event
2001-05-18	COUNTRYWIDE HOME LOANS SERVICING LP located at PLANO, TX was established as a Domestic Entity Other.
2009-04-27	COUNTRYWIDE HOME LOANS SERVICING LP was renamed to BAC HOME LOANS SERVICING, LP.
2011-07-01	BAC HOME LOANS SERVICING, LP was acquired by BANK OF AMERICA, NATIONAL ASSOCIATION.

Page 1 of 1

[NIC Home](#) | [FAQ](#) | [Help](#) | [Contact Us](#)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**EXHIBIT 4**

## Full-Text Search      Filing Company

UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549

FORM 15

CERTIFICATION AND NOTICE OF TERMINATION OF REGISTRATION UNDER SECTION 12(g) OF THE SECURITIES EXCHANGE ACT OF 1934 OR SUSPENSION OF DUTY TO FILE REPORTS UNDER SECTIONS 13 AND 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934.

Commission File Number 333-109248-50

CWMBs, Inc.

(Exact name of registrant as specified in its charter)

4500 Park Granada  
Calabasas, California 91302 (818) 225-3000

(Address, including zip code, and telephone number, including area code, of registrant's principal executive offices).

**CWMBS, Inc., CHL Mortgage Pass-Through Trust 2005-7,  
Mortgage Pass-Through Certificates, Series 2005-7**

(Title of each class of securities covered by this Form)

None

(Titles of all other classes of securities for which a duty to file reports under section 13(a) or 15(d) remains)

Please place an X in the box(es) to designate the appropriate rule provision(s) relied upon to terminate or suspend the duty to file reports:

- Rule 12g-4(a)(i)(i) [ ] Rule 12h-3(b)(1)(ii) [ ]  
Rule 12g-4(a)(1)(ii) [ ] Rule 12h-3(b)(2)(i) [ ]  
Rule 12g-4(a)(2)(i) [ ] Rule 12h-3(b)(2)(ii) [ ]  
Rule 12g-4(a)(2)(ii) [ ] Rule 15d-6 [X]  
Rule 12h-3(b)(1)(i) [ ]

Approximate number of holders of record as of the certification or notice date: 6

Pursuant to the requirements of the Securities Exchange Act of 1934, CWMBS, Inc. has caused this certification/notice to be signed on its behalf by the undersigned duly authorized person.

DATE: January 20, 2006

BY: /s/ Darren Bigby

Darren Bigby  
Vice President

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**EXHIBIT 5**

Bank of America



Po Box: 5170  
Simi Valley, CA 93065-5170

[REDACTED]  
[REDACTED]  
JULIO MAYEN & SARAH MAYEN  
15335 CASTLE PEAK LN  
JAMUL CA 91935

Date: February 26, 2013

Account No.: [REDACTED]

Property Address:  
15335 Castle Peak Lane  
Jamul, CA 91935

**IMPORTANT MESSAGE ABOUT YOUR HOME LOAN**

This letter is to acknowledge receipt of your recent inquiry about your home loan. We are in the process of obtaining the documentation and information necessary to address your questions. We appreciate your patience while we research your request.

**THANK YOU**

If you have any additional questions while we research your request, please call us at 1-800-669-6607, Monday-Friday 7a.m. - 7p.m. Local Time.

This communication is from Bank of America, N.A., the servicer of your home loan.

Bank of America, N.A. is required by law to inform you that this communication is from a debt collector.

Please write your account number on all correspondence.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**EXHIBIT 6**

**Bank of America**



*Customer Service Department, CA6-919-02-41  
PO Box 5170  
Simi Valley, CA 93062-5170*

**Julio & Sarah A Mayen**  
15335 Castle Peak Ln  
Jamul, CA 91935

**Notice Date:** September 10, 2013

**Loan No.:** [REDACTED]

**Property Address:**  
15335 Castle Peak Lane  
Jamul, CA 91935

---

**IMPORTANT MESSAGE ABOUT YOUR COMMUNICATION REQUEST**

We received your request that we cease communication with you regarding your loan obligation. We have updated our records per your request.

---

**WHAT THIS MEANS**

Please be advised that while collections efforts have been suspended in accordance with your request, we reserve all legal and contractual rights, including enforcement of the mortgage lien in accordance with applicable law. Please also note that you will continue to receive informational correspondence such as monthly statements and required legal disclosures.

If at any time you want to resume communication and correspondence with us regarding your loan, please mail your written request to us at:

Customer Service Department, CA6-919-02-41  
PO Box 5170  
Simi Valley, CA 93062-5170

---

**QUESTIONS?**

If you have any questions, please call us at (800) 669-6607 between the hours of Monday-Friday 7a.m. - 7p.m. Local Time. We appreciate the opportunity to serve your home loan needs.

This communication is from Bank of America, N.A., the servicer of your home loan.

Bank of America, N.A. is required by law to inform you that this communication is from a debt collector.

Please write your account number on all correspondence.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**EXHIBIT 7**

08/07/2013

**Bank of America**



**Customer Service:**  
PO Box 5170  
Simi Valley, CA 93062-5170

JULIO & SARAH A MAYEN  
15335 CASTLE PEAK LN  
JAMUL CA 91935

**Notice Date:** October 16, 2013

**Account No.:** [REDACTED]

**Property Address:**  
15335 CASTLE PEAK LANE  
JAMUL, CA 91935

#### **WHAT IS CHANGING**

In the coming months, you will begin receiving a monthly statement for your home loan account ending in [REDACTED].

#### **WHY THIS CHANGE IS OCCURRING**

The Consumer Financial Protection Bureau, established by Congress, will soon require mortgage servicers to provide customers with a monthly mortgage statement. To ensure this requirement is met, Bank of America, N.A. will provide customers with a monthly mortgage statement. For more information about the Consumer Financial Protection Bureau, please visit their website at consumerfinance.gov.

#### **WHAT YOU NEED TO DO**

No action is required on your part. You will receive additional information in your first statement outlining important details about your new statement, including where to find relevant information about your account and how to contact us.

#### **QUESTIONS?**

If you have any questions, give us a call at (800) 669-6650.

**Bank of America, N.A. is required by law to inform you that this communication is from a debt collector. If you are currently in a bankruptcy proceeding, or have previously obtained a discharge of this debt under applicable bankruptcy law, this notice is for information only and is not an attempt to collect the debt, a demand for payment, or an attempt to impose personal liability for that debt.**

#### **MODIFICACIONES QUE SE REALIZARÁN**

En los próximos meses, usted comenzará a recibir un estado de cuenta mensual para su cuenta de préstamo para vivienda que termina en [REDACTED]

#### **POR QUÉ SE PRODUCIRÁ ESTA MODIFICACIÓN**

La Oficina para la Protección Financiera del Consumidor, establecida por el Congreso, próximamente les exigirá a los prestadores de servicio de hipotecas que les proporcionen a los clientes un estado de cuenta hipotecario mensual. Para garantizar el cumplimiento de este requisito, Bank of America, N.A. les proporcionará a los clientes un estado de cuenta hipotecario mensual. Para obtener más información sobre la Oficina para la Protección Financiera del Consumidor, por favor visite su sitio web ingresando en consumerfinance.gov.

#### **LO QUE USTED NECESA HACER**

No se requiere ninguna acción de su parte. Usted recibirá información adicional en su primer estado de cuenta que proporcionará detalles importantes sobre su nuevo estado de cuenta, como por ejemplo dónde encontrar información relevante sobre su cuenta y cómo comunicarse con nosotros.

#### **¿ALGUNA PREGUNTA?**

Si tiene alguna pregunta, llámenos al (800) 295-0025.

**Bank of America, N.A. está obligado por ley a informarle a usted que esta comunicación proviene de un cobrador de deudas. Si usted se encuentra actualmente en un procedimiento de quiebra o ha obtenido anteriormente una exoneración de esta deuda en virtud de las leyes de quiebra vigentes, esta notificación se proporciona únicamente para fines informativos y no constituye un intento de cobrar la deuda, una demanda de pago ni un intento de imponer responsabilidad personal por dicha deuda.**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**EXHIBIT 8**

05/06/2013

Bank of America



CA6-919-01-41  
P. O. Box 941852  
Simi Valley, CA 93094-1852

JULIO & SARAH A MAYEN  
15335 CASTLE PEAK LN  
JAMUL CA 91935

**Notice Date:** September 10, 2013

**Account No.:** [REDACTED]

**Property Address:**  
15335 Castle Peak Lane  
Jamul, CA 91935

Dear Julio & Sarah A Mayen,

My name is Matthew Rosnov and I am your new Customer Relationship Manager (CRM) at Bank of America, N.A., your home loan servicer.

I will continue the work you started with your previous Customer Relationship Manager with the same goal of pursuing every available option to assist you with your home loan. The change in CRM does not indicate a change in status to your loan assistance request.

I will be calling you soon, but in the meantime, if you have questions, you can reach me at 1.800.669.6650 or 1.877.447.4002. Please have your loan number available when you call. Additionally, you can visit [bankofamerica.com/homeloanhlp](http://bankofamerica.com/homeloanhlp) to learn about the home loan assistance process.

We know this is a difficult time, and we're here to help.

Sincerely,

Matthew Rosnov  
Customer Relationship Manager  
Bank of America, N.A.

Bank of America, N.A., the servicer of your home loan, is required by law to inform you that this communication is from a debt collector.

**IMPORTANT DISCLOSURES**

Bank of America, N.A., the servicer of your home loan, is required by law to inform you that this communication is from a debt collector.

If you are currently in a bankruptcy proceeding, or have previously obtained a discharge of this debt under applicable bankruptcy law, this notice is for information only and is not an attempt to collect the debt, a demand for payment, or an attempt to impose personal liability for that debt. You are not obligated to discuss your home loan with us or enter into a loan modification or other loan-assistance program. You should consult with your bankruptcy attorney or other advisor about your legal rights and options.

**MILITARY PERSONNEL/SERVICEMEMBERS:** If you or your spouse is a member of the military, please contact us immediately. The federal Servicemembers Civil Relief Act and comparable state laws afford significant protections and benefits to eligible military service personnel, including protections from foreclosure as well as interest rate relief. For additional information and to determine eligibility please contact our Military Assistance Team toll free at 1.877.430.5434. If you are calling from outside the U.S. please contact us at 1.817.685.6491.

**DIVULGACIONES IMPORTANTES**

Bank of America, N.A., el administrador de su préstamo para vivienda está obligado por ley a informarle a usted que esta comunicación proviene de un cobrador de deudas.

Si usted se encuentra actualmente en un procedimiento de quiebra, o ha obtenido previamente una exoneración de esta deuda bajo la ley aplicable sobre quiebra, este no es un intento de recaudación, una demanda de pago o un intento de imponer una responsabilidad personal por esa deuda. Usted no está obligado(a) a hablar de su préstamo para vivienda con nosotros ni a participar en un programa de modificación de préstamos u otro programa de asistencia para préstamos. Usted debe consultar con su abogado especializado en quiebras u otro asesor acerca de sus opciones y derechos legales.

**PERSONAL MILITAR/ MIEMBROS DE LAS FUERZAS ARMADAS:** Si usted o su cónyuge es un miembro del servicio militar, por favor comuníquese con nosotros inmediatamente. La Ley federal de Ayuda Civil para Miembros de las Fuerzas Armadas y las leyes estatales comparables otorgan protecciones y beneficios significativos al personal del servicio militar que califique, incluyendo protecciones contra la ejecución hipotecaria así como también ayuda en la tasa de interés. Para obtener más información y determinar su calificación por favor llame sin costo a nuestro Equipo de Asistencia para el Servicio Militar al 1.877.430.5434. Si usted llama desde fuera de los Estados Unidos por favor comuníquese con nosotros al 1.817.685.6491.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**EXHIBIT 9**

**Bank of America**

Home Loans

**Payoff Department, Mail Stop TX2-981-03-13**  
**7105 Corporate Drive**  
**Plano, TX 75024-4100**



JULIO AND SARAH A. MAYEN  
15335 CASTLE PEAK LANE  
JAMUL, CA 91935

**PAYOUT STATEMENT**

**Good Through Date and/or  
Proposed Closing Date  
September 26, 2013**

Statement Date  
September 12, 2013

**Bank of America, N.A.**  
Loan No.: [REDACTED]

**Name & Property Address:**

Julio & Sarah A Mayen  
15335 Castle Peak Lane  
Jamul, CA 91935

Faxed to: 1---  
Escrow # 1

**This loan is in Foreclosure.**

The expiration of this demand is the sooner of the above Void After date or the Foreclosure sale date.

(C-JMPAYOPT)

<b>PAYOUT CALCULATION</b>	Principal Balance as of 02/01/2009	\$1,178,080.66
	Interest from 02/01/2009 to 09/26/2013	143,018.68
	County Recording Fee	18.00
	Other Amounts Due	2,486.47
	Additional Fees and Costs	782.68
	Escrow Balance Due	80,834.12

**Total Amount Required to Release Lien (As of September 26, 2013)** \$1,405,200.61

*Amended Payoff Statements are sent automatically if the total due increases before SEPTEMBER 26, 2013.*

To provide you with the convenience of an extended 'Statement Void After' date, the Total Amount Due may include estimated fees, costs, additional payments and/or escrow disbursements that will become due prior to the 'Statement Void After' date, but which are not yet due as of the date this Payoff Statement is issued. You will receive a refund if you pay the Total Amount Due and those anticipated fees, expenses, or payments have not been incurred.

**INTEREST CALCULATIONS**

For all full month payment periods, interest is calculated on a monthly basis. Accordingly, interest for all full months, including February, is calculated as 30/360 of annual interest, irrespective of the actual number of days in the month. For partial months, interest is calculated daily on the basis of a 365 day year.

Adjustable rate mortgage loans may have more than one interest rate in effect during the period in which this demand statement applies. Amended demand statements are sent automatically if the total amount due increases before September 26, 2013.

Daily Interest*	From	To	Interest Rate
80.6904	09/01/2013	09/26/2013	2.5000

\*Daily Interest = Principal Balance x Interest Rate ÷ 365

**PAYOUT INSTRUCTIONS**

Payoff funds must be made payable to Bank of America, N.A. and will be accepted by wire or certified funds only. They must reference the Bank of America, N.A. loan number, property address and borrower's name in the Originator Beneficiary Information (OBI) field of the wire transfer or on the face of the check and must be sent per the instructions below. Failure to do so may cause delays resulting in additional interest due or the return of the funds to the remitter. Funds received after 4:00 p.m. Central Time may be posted the following business day.

**Wire Funds to:**

Beneficiary Bank: Bank of America  
ABA Routing #: 0260-0959-3  
Beneficiary Acct Name: MRC  
MRC Account #12356-19173  
Reference: Julio & Sarah A Mayen  
Loan Number: [REDACTED]

**Mail Certified Funds to:**

Bank of America, N.A.  
Attention: Payoff Department, Mail Stop TX2-981-03-13  
7105 Corporate Drive  
Plano, TX 75024-4100

Please do not send certified funds to the wire funds instructions above as certified funds must be processed in our Payoff Department.

15335 Castle Peak Lane  
Jamul, CA 91935

Faxed to: 1--  
Escrow # 1

**This loan is in Foreclosure.**

The expiration of this demand is the sooner of the above Void After date or the foreclosure sale date.

(C-JMPAYOPT)

<b>PAYOUT CALCULATION</b>	Principal Balance as of 02/01/2009	\$1,178,080.66
	Interest from 02/01/2009 to 09/26/2013	143,018.68
	County Recording Fee	18.00
	Other Amounts Due	2,486.47
	Additional Fees and Costs	762.68
	Escrow Balance Due	80,834.12

**Total Amount Required to Release Lien (As of September 26, 2013)** \$1,408,200.61

*Amended Payoff Statements are sent automatically if the total due increases before SEPTEMBER 26, 2013.*

To provide you with the convenience of an extended 'Statement Void After' date, the Total Amount Due may include estimated fees, costs, additional payments and/or escrow disbursements that will become due prior to the 'Statement Void After' date, but which are not yet due as of the date this Payoff Statement is issued. You will receive a refund if you pay the Total Amount Due and those anticipated fees, expenses, or payments have not been incurred.

**INTEREST CALCULATIONS**

For all full month payment periods, interest is calculated on a monthly basis. Accordingly, interest for all full months, including February, is calculated as 30/360 of annual interest, irrespective of the actual number of days in the month. For partial months, interest is calculated daily on the basis of a 365 day year.

**Adjustable rate mortgage loans may have more than one interest rate in effect during the period in which this demand statement applies. Amended demand statements are sent automatically if the total amount due increases before September 26, 2013.**

Daily Interest*	From	To	Interest Rate
80.6904	09/01/2013	09/26/2013	2.6000

\*Daily Interest = Principal Balance x Interest Rate + 365

**PAYOUT INSTRUCTIONS**

Payoff funds must be made payable to Bank of America, N.A. and will be accepted by wire or certified funds only. They must reference the Bank of America, N.A. loan number, property address and borrower's name in the Originator Beneficiary Information (OBI) field of the wire transfer or on the face of the check and must be sent per the instructions below. Failure to do so may cause delays resulting in additional interest due or the return of the funds to the remitter. Funds received after 4:00 p.m. Central Time may be posted the following business day.

**Wire Funds to:**

Beneficiary Bank: Bank of America  
ABA Routing #: 0260-0959-3  
Beneficiary Acct Name: MRC  
MRC Account #12356-19173  
Reference: Julio & Sarah A Mayen  
Loan Number: [REDACTED]

**Mail Certified Funds to:**

Bank of America, N.A.  
Attention: Payoff Department, Mail Stop TX2-981-03-13  
7105 Corporate Drive  
Plano, TX 75024-4100

Please do not send certified funds to the wire funds instructions above as certified funds must be processed in our Payoff Department.

Please call 1-800-669-5833 for updated payoff information within 24 hours of submitting funds.

Bank of America, N.A. is required by law to inform you that it is a debt collector. If you are currently in a bankruptcy proceeding or have received a discharge of the debt referenced above, this notice is for informational purposes only and is not an attempt to collect a debt or demand a payment. If you are represented by an attorney, please provide this notice to your attorney.

See following page for important information.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**EXHIBIT 10**



400 National Way  
Mail Code: CA6-919-02-22  
Simi Valley, CA 93063

August 8, 2013

Julio Mayen  
15335 Castle Peak Lane  
Jamul, CA 91935

Re: Customers: Julio and Sarah A. Mayen  
Property Address: 15335 Castle Peak Lane, Jamul, CA 91935  
Bank of America loan number ending in: [REDACTED]

Dear Mr. Mayen:

We are in receipt of your correspondence dated August 5, 2013, which was received on August 6, 2013, by Bank of America, N.A., as successor by merger to BAC Home Loans Servicing, LP ("Bank of America"), regarding the referenced loan.

Please be advised that the Owner of the Note for this loan pursuant to 15 U.S.C. §1641(f)(2) is as follows:

The Bank of New York Mellon fka the Bank of New York, as Trustee for the Certificateholders of CWMBS, Inc., CHL Mortgage Pass-Through Trust 2005-07, Mortgage Pass-Through Certificates, Series 2005-07

101 Barclay Street, 4W  
New York, NY 10286  
telephone number: 1.888.999.0615

The additional concerns addressed in your correspondence require further detailed analysis. We will respond to your request after we have completed our investigation.

If you have any questions pertaining to this matter in the interim, please contact the assigned QWR Associate, Esther Gray, at 1.805.577.3167. For all other questions or concerns relating to the servicing of the loan, please contact the assigned Customer Relationship Manager with Bank of America, Eric Cieslak, at 1.800.669.6650.

Sincerely,

*Esther Gray*  
Esther Gray  
Litigation Specialist II  
Qualified Written Request (QWR) Services

*Bank of America, N.A., is required by law to inform you that this communication is from a debt collector.*

Revised 4/1/13  
ACK02(2)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**EXHIBIT 11**

ELIZABETH C. FARRELL (State Bar # 280056)  
of SEVERSON & WERSON  
19100 Von Karman Avenue  
Suite 700  
Irvine, CA 92612 Tel: 949-225-3782; 949-442-7118 fax  
Sent by email to: ecf@severson.com

and

January 31, 2014  
via USPS Certified Mail No.  
7012 3050 0001 8906 4404

**NOTICE TO CEASE AND DESIST-DEMAND FOR ORDER TO VACATE VOID RULING**

**RE: Your motion to dismiss filed September 27, 2013 concerning CASE NO. 13cv2080-MMA (BGS),  
Mayen v. BANK OF AMERICA, N.A., et al.**

Ms. ELIZABETH C. FARRELL:

Your Motion To Dismiss dated and filed September 27, 2013 in the United States District Court in the Southern District of California and recently ruled upon by United States District Judge, the Honorable Michael M. Anello on January 7, 2014 upon further review appears to have been an instrument employed in the miscarriage of justice.

Your Motion appears to be a fraud on the court by either you or your client as is misrepresented in the said motion filed with the court on behalf of defendant BANK OF AMERICA, N.A., in case 13cv2080-MMA (BGS). Again, this **NOTICE** intends to bring this matter to your attention prior to the necessity of having to notice the court. I am writing to affirmatively bring this matter to your attention prior to the necessity of having to notice the court by seeking sanctions. It is my hope by our mutual agreement that a FRCP Rules 11(c), 56(h) contest before the court will become unnecessary. I will be happy to receive your prompt response in disposition of the following.

The Content of your motion indicates that either you or your client has made erroneous assumptions regarding the status of your client being a debt collector as opposed to being the original loan servicer. One assumption contained in your motion on page 4, line 6 down to line 9 where you openly allege that your alleged client, "...Bank of America was the loan servicer at the time of the loan origination." Ms. Farrell, the burden of proof was upon you or your alleged client to support your claim as I am not in receipt of any admissible evidence filed of record that Bank of America, N.A. was the loan servicer at the time of the loan origination, and believe that none exist. I am further not in receipt of any admissible evidence filed of record that Bank of America, N.A. is mentioned, referenced in any foundational documentation pertaining to the origination of said loan being involved in any capacity with said loan and believe that none exist.

Your next assumption contained in your motion states: "Therefore, the debt was not in default when Bank of America became the loan servicer, ...". I am further not in receipt of any admissible evidence filed of record that your alleged client, Bank of America, N.A., was appointed to the status of loan servicer prior to the date when the alleged default occurred on March 1, 2009, and believe that none exist. Ms. Farrell, there are a number of other misleading statements and outright lies contained in your motion, the above should be sufficient for you to address within the next 24-72 hours prior to my filing said notice to the court to address FRCP Rules 11(c), 56(h) contest.

Notice to Ms. Elizabeth C. Farrell, S&W.  
(Continued)

January 31, 2014  
Page 2 of 3

Further Ms. Farrell upon review of your resume, if you will, contained on the website of your associate, Severson & Werson, provides a statement that you "served as a judicial extern to the Honorable Michael M. Anello, U.S. District Court for the Southern District of California." Hmm, it would seem that your relationship with the judge of record would appear to conflict with my inherent right to the due process of law, namely having my matter which pertains to my life, heard before a disinterested arbiter who does not have a dog in this fight or a familiar, i.e. protégé engaged in the battle before him. Would you not say? The words of Roscoe Pound and Professor Wigmore come to mind, namely, "whatever happened to the sporting theory of justice?" Here you stand with such an impressive resume, highly trained in the Socratic method if you will, Juris Doctorate, high prestige of a well-regarded "Professional Law Corporation" that's main headquarters is in the Embarcadero Center in San Francisco no less, all the trappings of success in the legal arena and yet you want an additional advantage to an already lopsided contest in terms of equal footing is truly nauseating to behold.

Ms. Farrell, your actions in this matter smacks of apparent moral turpitude on your part in light of the foregoing, and further in light of the fact that your alleged client is in point of fact a debt collector as defined by statute and case law in spite of the false statements contained in your motion apparently relied upon by your former mentor in his ruling does not take away the truth of Bank of America, N.A. being a debt collector as evident in their written communications to me. In good faith I am providing you with a copy of said written communications (five of them) to me from your alleged client that open and notoriously state that they are a debt collector. Four letters sent through the United States Mail Service dated: February 26, 2013, September 10, 2013, September 10, 2013, and October 16, 2013. Also on Payoff Statement dated September 26, 2013. See copies of same that are attached for your perusal and consideration. In light of the foregoing, Ms. Farrell either you perpetrated fraud on the court or your alleged client outright lied to you.

While I will and do recognize a duty of counsel to pursue a cause of action for his/her client to obtain a just and valid remedy, that fact cannot empower you as their legal representative and attorney to make misrepresentations as to the facts and circumstances of the status of your alleged client before the court as is set out in your Notice of Dismiss dated September 27, 2013. From my vantage point, even a cursory examination of your motion leaves any doubt the reality of your fraud upon the court as a matter of law. Thusly, the jurisdiction of the court is being abused by the filing of any specious motion such as said motion in behalf of your alleged client. The facts, if they had been properly vetted with due diligence as required by the rules, would have merely corroborated the facial absence of any legitimate justiciable claim or claims and assertions made by your alleged client.

Accordingly, I request that you carefully consider the foregoing and that you exercise this opportunity to make an informed choice as to whether to withdraw or otherwise abate the false, fraudulent and fictitious allegations as are contained in your motion and immediately draft a motion to vacate the order of the court in the interest of justice as a matter of law, otherwise I will be forced to take proactive steps on my own accord regarding the foregoing.

As you are aware, you have an affirmative duty under the Federal Rules of Civil Procedure, Rule 11 to ascertain the truthfulness of your alleged client's position as stated in your motion via a diligent inquiry into the facts, the evidence and the law applicable in this case that are reasonable under the circumstances. It appears, and your Motion demonstrates dispository, that you have failed to meet the criteria of the foundational threshold mandated under the thrust of FRCP Rule 11(c) which now necessitates a Rule 56(h) contest.

Notice to Ms. Elizabeth C. Farrell, S&W.  
(Continued)

January 31, 2014  
Page 3 of 3

You either knew or you should have known these facts and circumstances from an affirmative inquiry prior to placing any motion before the court based upon the assertions in said Motion. As stated, I hope that this matter can be explained as you're having been misled by your alleged client, and that these are not your affirmative acts of overt misrepresentation. Unfortunately, under these circumstances, they remain as your affirmative errors and omissions. Further, these circumstances bring into question your own standing as counsel in this case and as an officer of the court. I fear that you have been misled by either the prevarications of your alleged client and/or your own lack of due diligence as required by the rules of court.

Prudence dictates that you reconsider your position in this matter prior to any further hearings before the court. I hereby extend this opportunity for you to do so.

Please advise me immediately of your intention to cease and desist via email and I will refrain from further prosecuting any formal complaint against you and/or your law firm before the court and/or before the State Bar which would be proper as a matter of law. Alternatively, consider yourself and your law firm as named defendants.

Should you have questions or comment please feel free to contact me at [ekultan@gmail.com](mailto:ekultan@gmail.com). Despite my offer to abate my promised actions after your emailed notice that you intend to correct the error of law herein described by motion to vacate or other proper process, be advised that in the meantime I am now and will continue to move diligently forward with the prosecution of the FDCPA complaint consistent with the rule of law and will not tolerate any unlawful intrusions or threats against the due and lawful execution of my inherent rights under said law/s

I can assure you that I do not take the foregoing matter lightly.

Sincerely,

/s/ Julio Mayen  
Julio Mayen  
15335 Castle Peak Lane, Jamul, California state [91935]  
Email: [ekultan@gmail.com](mailto:ekultan@gmail.com)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**EXHIBIT 12**

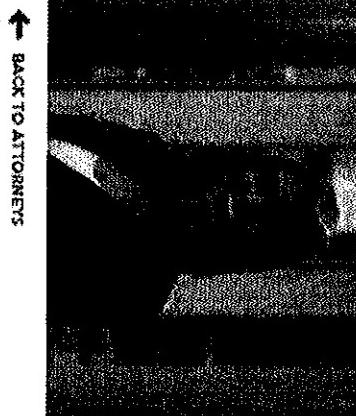
# Severson &Verson

A Professional Corporation

attorneys

▶ CONTACT US ▶ SEARCH

CHANGE COUNTRY



← BACK TO ATTORNEYS

## SUMMARY

### Areas of Practice

- Financial Services

### Financial Services Litigation

### Education

- Pepperdine University, B.A., 2005
- University of San Diego School of Law, J.D., 2011

Elizabeth Farrell is a litigation associate in the firm's Irvine office and a member of the Financial Services Litigation practice group. Ms. Farrell specializes in defending national mortgage lenders and loan servicers against borrower complaints involving lender liability, wrongful foreclosure, and violations of state and federal statutes.

Ms. Farrell received her J.D. from the University of San Diego in 2011, where she served on the Editorial Board of the San Diego Law Review. While in school, Ms. Farrell also served as a judicial extern to the Honorable Michael M. Anello, U.S. District Court for the Southern District of California, the Honorable David T. Bristow, U.S. District Court for the Central District of California, and the Honorable Ronald S. Prager, San Diego Superior Court. In 2005, Ms. Farrell graduated *cum laude* from Pepperdine University.

Ms. Farrell is licensed to practice in California and all United States District Courts in California.

## ELIZABETH C. FARRELL

Associate

[ecf@severson.com](mailto:ecf@severson.com) | (949) 225-3782 Tel | (949) 442-7118 Fax

OFFICE  
19100 Von Karman Avenue  
Suite 700  
Irvine  
CA 92612  
  
949-442-7110 Tel  
949-442-7118 Fax

VIEW CARD

PRINT

MAP / DIRECTIONS

CHANGE COUNTRY

